

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, ) )  
 )  
 v. ) ) No. 2:93-CV-317  
 ) ) Judge Greer  
 GLENN S. MARTIN, JR., )  
 )  
 Defendant. )

**MOTION FOR STAY IN LIGHT OF LAPSE OF APPROPRIATIONS**

The United States of America, by and through William C. Killian, United States Attorney for the Eastern District of Tennessee, hereby moves for a stay of deadlines associated with the claims of Victoria Fellers and Mike Hagie (Doc. Nos. 111, 112).

1. At the end of the day on September 30, 2013, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice, therefore, requests a stay of the Court deadlines relating to the claims of Victoria Fellers and Mike Hagie, as set forth in the Court’s Order (Doc. No. 128), until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the

lapse in appropriations. If the Court denies the request, the Government will comply with the Court's order, which would constitute express legal authorization for the undersigned to work on this matter in order to meet the Court's deadline for summary judgment motions due on or before November 1, 2013.

5. Counsel for Mr. Hagie and Ms. Fellers has authorized the undersigned to state that they object to this motion; counsel for the Receiver does not object.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the claims of Victoria Fellers and Mike Hagie until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

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UNITED STATES ATTORNEY

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**Certificate of Service**

I hereby certify that on October 4, 2013, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/Suzanne H. Bauknight  
Suzanne H. Bauknight (BPR No. 019293)  
Assistant United States Attorney